

REMARKS

Claims 1-25 are currently pending. In the Office Action of January 27, 2006, the Examiner has imposed a Restriction Requirement requiring election of one of the following groups of claims:

- Group I: Claims 1-13, drawn to a computer-implemented method of preparing a biological sample optimizing material usage and plate layout, classified in class 435, subclass 7.1;
- Group II.: Claims 14-22, drawn to a computer-implemented method of preparing a biological sample for a binding assay by executing work instructions on robot stations, classified in class 435, subclass 7.1; and
- Group III: Claims 23-25, drawn to a computer-implemented method of preparing a biological sample using an experiment design manager, classified in class 435, subclass 7.1.

The Examiner contends that the inventions are distinct, each from the other.

Applicants hereby provisionally elect with traverse Group II, including claims 14-22.

Applicants respectfully point out that the claims of Groups I, II and III are classified by the Examiner in the same class and subclass, and assert that examining all of the claims together would not pose a serious burden on the Examiner. If the Examiner insists on maintaining any portion of the outstanding restriction requirement, Applicants respectfully request withdrawal of at least the restriction between Groups I and II, both of which are directed to a computer implemented method for preparing a binding-ready biological sample for a binding assay.

Applicants fully reserve the right to prosecute the subject matter of the non-elected inventions in one or more related applications. In addition, Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

CONCLUSION

Applicants respectfully request that the present remarks be made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

It is believed that no fee is due in connection with the filing of this response. However, should the Commissioner determine otherwise, the Commissioner is authorized to charge any underpayment or credit any overpayment to Jones Day Deposit Account No. 50-3013, referencing Docket No. 9301-232-999 (301891-999224), for the appropriate amount.

Respectfully submitted,

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